

REMARKS

In the previous Final Office Action, claims 24 and 41 were rejected under 35 U.S.C. §112, first paragraph. Claims 24-25, 27-41 and 43-46 were also rejected under 35 U.S.C. §102(b) over OUCHI (JP 2000181784). Applicants traverse the rejection of claims under 35 U.S.C. §101 and 35 U.S.C. §102(b) over OUCHI. As noted in Applicants' several previous Responses/Amendments/Submissions, OUCHI is itself a Japanese-language document, and Applicants' remarks herein are therefore based upon a review of the machine-generated English translation and Abstract of OUCHI supplied by the Examiner.

Applicants traverse the rejections under 35 U.S.C. §101. Previous claim 24 recited "a controller operable to control access to the first or second recording area according to the received command and without regard to size of the received data". In a telephone interview, the Examiner indicated that this recitation was interpreted as allowing data to be written to an area without regard to size of received data. The Examiner explained that allowing data to be written in an area without regard to size of received data would contradict teachings in the specification of specifying a physical starting address (to write) within a selected area based on size of data.

Applicants' representative, Joshua M. Povsner, explained that in the invention to which the claims are directed, an area for writing is selected based on the type of received data and not side of received data, and a physical starting address (to write) within the selected area is specified based on size of data. The Examiner indicated that his interpretation noted above could be avoided by amending the claims to specify that the first or second recording area is "selected" without regard to size of the received data and depending on a data type of the received data. Claims 24 and 41 have been amended in the manner discussed in the telephone interview.

Accordingly, reconsideration and withdrawal of the rejection of claims under 35 U.S.C. §101 is respectfully requested.

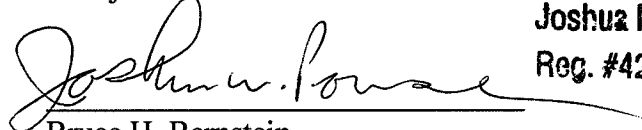
Applicants traverse the rejections under 35 U.S.C. §102. As previously explained, OUCHI discloses using the size of data, and particularly the number of sector regions to which data is to be written, when determining where to write data of a file received from outside. The consideration of size of data in determining where data will be stored in OUCHI has been acknowledged in previous Office Actions. OUCHI does not anywhere disclose that a storage area or address is selected without regard to size of data.

Therefore, claims 24 and 41 are allowable over OUCHI under 35 U.S.C. §102. Dependent claims 25, 27-40 and 43-46 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Any amendments to the claims in this Amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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